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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

BALJINDER RAI *et al.*,

Plaintiffs,

v.

SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY; and
DOES 1-20,

Defendants.

Civil Case Number: 5:12-cv-04344-PSG

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Date: January 26, 2016

Time: 10:00 a.m.

Location: Courtroom 5, 4th Floor, San Jose

The Honorable Paul S. Grewal

Plaintiffs' Motion for Preliminary Approval of Class Settlement ("Motion") came on regularly for hearing on _____, 2015, at 10:00AM, in the United States District Court for the Northern District of California, the Honorable Paul S. Grewal presiding. All parties were represented by counsel.

Having considered the memoranda and declarations, oral arguments of counsel, and the relevant statutory and case law, the Court GRANTS Plaintiff's Motion and orders and finds as follows, pursuant to the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), and Rule 23(c) and (e) of the Federal Rules of Civil Procedure ("Rule 23"):

1. The Joint Stipulation of Class Action Settlement and Release ("Settlement Agreement") (Docket No. 284) is preliminarily approved;

2. The following Class and Collective Action is certified for settlement purposes only pursuant to Federal Rules of Civil Procedure 23 and 29 U.S.C. § 216(b): all current and former employees of Santa Clara Valley Transportation Authority (“Defendant”) who are or were employed by Defendant as Operators (including Bus Operators, Rail Operators, Bus Operator Trainees, Light Rail Operator Trainees, whether full-time or part-time) at any time from August 17, 2009 through the Preliminary Approval Date (“Class Period”), excepting those individuals who have previously opted out as members of the FLSA collective action and/or Rule 23 class action.

3. Class Counsel, Steven G. Tidrick, Esq. and Joel Young, Esq. of The Tidrick Law Firm, are appointed as Settlement Class Counsel, and Class Representatives Walter Silveira and Richard Rosa are appointed as the Settlement Class Representatives;

4. [Simpluris, Inc., Rust Consulting, Inc., or Settlement Services, Inc.] is appointed as the settlement administrator. The settlement administrator is directed to distribute to the class the notice and claim form pursuant to the procedures set forth in the terms of the Settlement Agreement.

5. The deadline for objections shall be thirty (30) calendar days from the date the Notices are mailed, and that if the 30th day falls on a Sunday or holiday, the deadline shall be the next business day that is not a Sunday or holiday.

6. The deadline for opting out of the settlement shall be forty five (45) calendar days from the date the Notices are mailed, and that if the 45th day falls on a Sunday or holiday, the deadline shall be the next business day that is not a Sunday or holiday.

7. The deadline for Plaintiffs to file the motion for service payments, and attorneys fees and costs shall be fourteen (14) days before the deadline for objections;

8. The deadline for (a) Plaintiffs to file the motion for final approval of the settlement agreement, and (b) both sides to file motions with respect to whether uncashed checks should revert to Defendant or go to *cy pres* (*i.e.*, the choice that is to be presented to the Court for decision pursuant to section 7.4.4 of the settlement agreement), shall be set for a date approximately 98 days following the preliminary approval of the settlement agreement;

1 9. The final approval hearing be set for a date approximately 112 days following the
2 preliminary approval of the settlement agreement; and

3 10. The settlement is deemed filed as of the date of preliminary approval for purposes
4 of providing notice to the appropriate officials pursuant to 28 U.S.C. § 1715.

5
6 It is so ORDERED.

7
8 DATE: _____, 2015.

The Honorable Paul S. Grewal
United States District Court